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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,568	02/17/2005	Olaf Joeressen	915-006,048	2435
4955 7590 11/12/2008 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER YOUNG, JANELLE N				
ART UNIT 2618		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/505,568

**Applicant(s)**

JOERESSEN, OLAF

**Examiner**

Janelle N. Young

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 15-20, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-14 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Hameleers et al. teaches a method for defining data connection parameters, are in use, adaptations are to be performed within communication networks. These adaptations allow data connections between users whose data are transmitted according to different protocols, for example a fixed network subscriber using an ISDN (Integrated Services Digital Network) protocol and a mobile subscriber using a GSM (Global System for Mobile communication) protocol; which reads on claimed obtaining properties related to at least one of a number of different types of data connection accessible from the mobile terminal apparatus, wherein said at least one data connection can be used by an software application (Abstract; Fig. 4; Page 1, para 0002-0003 & 0013; Page 2, para 0021-0031; and Page 3, para 0052 with respect to Page 2, para 0033 and Page 6, para 0090 of Hameleers et al.).

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As for claim 12 with regard to the phrase "computer program" the original disclosure does not clearly support of what "programming code" has been positively disclosed as. In addition, the phrase "computer-readable storage medium/media" the original disclosure does not clearly support of what "medium/media" has been positively disclosed as.

Examples of acceptable language in computer-processing related claims :

1. "computer readable storage medium" encoded with \_\_\_\_\_  
[a] "a computer program"  
[b] "software"  
[c] "computer executable instructions"  
[d] "instructions that are executed by a computer"
2. "a computer readable storage medium" \_\_\_\_\_ "computer program"  
[a] storing a  
[b] embodied with a  
[c] encoded with a  
[d] having a stored  
[e] having an encoded

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 10-12, the word "means" is preceded by the word(s) "program code means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the

Art Unit: 2618

element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Regarding claim 12, the word "means" is preceded by the word(s) "computer program means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12-14 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hameleers et al. (US Pub 2001/0027104) and further in view of Focsaneanu et al. (US Patent 5828666).

As of claim 1, Hameleers et al. teaches a method, comprising:

for defining data connection parameters, are in use, adaptations are to be performed within communication networks; which reads on claimed obtaining properties related to at least one of a number of different types of data

connection accessible from the mobile terminal apparatus, wherein said at least one data connection can be used by at least one software application (Abstract; Fig. 4; Page 1, para 0002-0003 & 0013; Page 2, para 0021-0031; and Page 3, para 0052 with respect to Page 2, para 0033 and Page 6, para 0090 of Hameleers et al.).

adaptations allow data connections between users whose data are transmitted according to different protocols, for example a fixed network subscriber using an ISDN (Integrated Services Digital Network) protocol and a mobile subscriber using a GSM (Global System for Mobile communication) protocol; which reads on claimed adapting in said mobile terminal devices a connectivity configuration of the said software application of said mobile terminal device in accordance with said obtained properties of at least one of a number of different types of data connections accessible from said mobile terminal device, wherein said connectivity configuration relates to a use of said at least one data connection by said software application (Abstract; Fig. 3-4; Page 1, para 0002-0003 & 0013; Page 2, para 0021-0031; and Page 3, para 0052 with respect to Page 2, para 0033 and Page 6, para 0090 of Hameleers et al.).

What Hameleers et al. does not explicitly teach is a data exchanger and a number of different types of data connections.

However, Focsaneanu et al. teaches a data service provider; which reads on claimed data exchanger, configured to access at least one of a number of different types of data connections and an obtainer configured to obtain properties of one of said

at least one of a number of different types of data connections accessible from said data exchanger (Col. 1, lines 20-63; Col. 2, lines 37-45; Col. 6, line 39-Col. 8, line 39; Col. 11, lines 3-13; and Col. 12, line 48-Col. 13, line 2 of Focsaneanu et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a multi-service access platform which permits the formation of a universal service network encompassing a plurality of telecommunication networks, as taught by Focsaneanu et al., in the cellular mobile communication network data connections of Hameleers et al., because Hameleers et al. already discusses an interworking function comprises the protocol conversion functionality for data communication within a communication network or between communication networks. It can perform data rate adaptations, buffer data and terminates telecommunication network specific protocols. Some interworking functions also terminate transmission method protocols (Page 1, para 0009 of Hameleers et al.).

The motivation of this combination would allow protocol adaptation for different types of connection. The method would also enable data transmission at the maximum rate which would allow a very efficient use of network resources, as taught by Hameleers et al. in Page 2, para 0021-0042, because the mobile information society many context, location and application specific services would be made available to a person carrying a handheld device such as a cell phone, a PDA or any other handheld device that is capable of communicating within a defined coverage area within a system. Only the useful portion of the data is transmitted in the transport network. The transmission format can also be adapted at the access module (e.g. rate adaptation,

protocol adaptation, application, etc.) to better match the terminals, transport, or service capability available (Col. 6, line 65-Col. 7, line 3 of Focsaneanu et al.). The incorporation of a cellular mobile network's data connections with wireless station transmitting the application specific message planning would not impact the transfer speed for a number of different types of data connections accessible from said data exchanger and allow the user to indicate a change in the service request, and/or can select a different action from the access module by using a sequence of low-level signaling schemes, e.g. hook flash or DTMF, or a message-based control communications scheme (Col. 13, lines 3-12 of Focsaneanu et al. in correspondence with Page 1, para 0009-0012 and Page 2, para 0021-0042 of Hameleers et al.).

As of claims 2-5 & 9, Hameleers et al. teaches a method, wherein the properties are the identifiers; which reads on claimed identification of data connection, obtained when a data connection, is selected, and the step of selecting an appropriate data connection and a the step of determining actually data connections, is a potentially accessible data connection, and wherein the properties are obtained during the determination. (Page 2, para 0039-0041; Page 3, para 0055 & 0059; Page 4, para 0061; and Pages 5-6, para 0086 in respect to PAge 2, para 0021-0031 of Hameleers et al.)

As of claims 6 - 8, Hameleers et al. teaches a method, further comprising the detecting a data transfer to be performed by, step of starting an software application on a personal mobile terminal apparatus prior to obtaining the properties and the step of determining active software applications, and adapting connectivity configurations of the



determined active software applications. (Page 1, para 0004 & 0013-0014 in respect to PAge 2, para 0021-0031; Page 2, para 0033; and Page 6, para 0090 of Hameleers et al.)

As of claim 10, Hameleers et al. teaches a software tool for adapting a configuration of an application of a mobile terminal to an accessible data connection, comprising program code means for carrying out the steps of claim 1 when program code of said program code means is run on a mobile terminal device (Abstract; Fig. 3-4; Page 1, para 0002-0003 & 0013; PAge 2, para 0021-0031; and Page 3, para 0052 with respect to Page 2, para 0033 and Page 6, para 0090 of Hameleers et al.).

As of claim 11, Hameleers et al. teaches a core program; which reads on claimed computer program, for adapting a configuration of an application of a mobile terminal to data connection, comprising program code means for carrying out the when program code of the program code means is run on a mobile terminal apparatus' processor (Abstract; Fig. 3-4; Page 1, para 0002-0003 & 0013; PAge 2, para 0021-0031; and Page 3, para 0052 with respect to Page 2, para 0033 and Page 6, para 0090 of Hameleers et al.).

Regarding claim 12, see explanation as set forth regarding claim 1 (method claim) because the claimed a computer readable storage medium embedded with a computer program would perform the method steps.

As of claim 12, Hameleers et al. teaches a database; which reads on claimed computer program product, comprising program code means stored on a ROM (Read Only Memory); which reads on claimed computer readable medium; for carrying out the

method when program code of the operation of computer program means, is run on a user equipment (UE); which reads on claimed mobile terminal apparatus.

Regarding claim 13, see explanation as set forth regarding claim 1 (method claim) because the claimed user equipment (UE) or personal mobile apparatus would perform the method steps.

As of claim 14, Hameleers et al. teaches a user equipment (UE); which reads on claimed apparatus, further comprising means for storing the configuration and selecting one of the at least one accessible data connections. (Page 2, para 0039-0041; Page 3, para 0055 & 0059; Page 4, para 0061; and Pages 5-6, para 0086 in respect to PAge 2, para 0021-0031 of Hameleers et al.)

Regarding claim 21, see explanation as set forth regarding claim 1 (method claim) because the claimed user equipment (UE) or personal mobile apparatus would perform the method steps.

As of claim 22, Hameleers et al. teaches a user equipment (UE); which reads on claimed apparatus, further comprising a selector configured to select one of said at least one accessible data connections (Col. 7, lines 12-58 of Hameleers et al.).

As of claim 23, Hameleers et al. teaches a user equipment (UE); which reads on claimed apparatus, further comprising a storage and/or memory; which reads on claimed storer, configured to store said connectivity configuration of said at least one software application for said at least one accessible data connection (Page 2, para 0033; 0039-0041; Page 3, para 0055 & 0059; Page 4, para 0061; Pages 5-6, para 0086; and Page 6, para 0090 in respect to PAge 2, para 0021-0031 of Hameleers et al.)

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stacey et al. (US Patent 6266342) relates to an adaptable adaptation resource module and operating method therefor, and is particularly, but not exclusively, applicable to a digital signal processing resource that is provisioned to support numerous different adaptation protocols. More especially, the present invention is pertinent to an adaptable interface of a broadband-narrowband network, and particularly between an asynchronous transmission mode (ATM) network and a narrowband

communication system supporting trunk circuits in which adaptation is required between time division multiplexed (TDM) communication and ATM communication.

Ikonen et al. (US Pub 2006/0112414) relates to a coupling device to connect an external device, e.g. a mobile station, to a television receiver through a SCART or antenna connection using an LPRF link (e.g. Bluetooth). The coupling device contains the necessary electronics to receive the signal sent from the mobile station as an LPRF radio signal and convert it to a format suitable for television. The coupling device can be built as a small adapter that attaches directly to the SCART connector of the TV. The coupling device can be arranged to be capable of e.g. relaying a signal from a video recorder to the TV and to replace the signal with a signal presenting the information sent by the mobile station.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 10:00 am through 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2618

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janelle N. Young/

Examiner, Art Unit 2618

/Nay A. Maung/

Supervisory Patent Examiner, Art  
Unit 2618